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7

8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4003

12 **LARON WILLIE MASON**
1419 S. Willowbrook Ave., #B
13 Compton, CA 90220

DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

14 Pharmacy Technician Registration No. TCH
69731

15
16 Respondent.

17 **FINDINGS OF FACT**

18 1. On or about June 2, 2011, Complainant Virginia Herold, in her official capacity as the
19 Executive Officer of the Board of Pharmacy, filed Accusation No. 4003 against Laron Willie
20 Mason ("Respondent") before the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about August 24, 2006, the Board of Pharmacy issued Original Pharmacy
22 Technician Registration Number TCH 69731 to Laron Willie Mason (Respondent). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and will expire on June 30, 2012, unless renewed.

25 3. On or about June 9, 2011, Respondent was served by certified mail copies of the
26 following documents: Accusation No. 4003, Statement to Respondent, Notice of Defense forms,
27 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
28

1 and 11507.7). A copy of the Accusation and Declaration of Service are attached hereto as Exhibit
2 "A" and are incorporated as if fully set forth herein.

3 4. The Respondent was served at his address of record, which is:

4 1419 S. Willowbrook Ave., #B

5 Compton, CA 90220

6 Pursuant to Business and Professions Code section 136 and/or the agency-specific statute or
7 regulation, the Respondent is required to notify the Board of any change in mailing address
8 within 30 days after the change, unless the Board has specified by regulations a shorter time
9 period.

10 5. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
12 124.

13 6. Government Code section 11506 states:

14 (a) Within 15 days after service of the accusation the respondent may file
15 with the agency a notice of defense in which the respondent may:

16 (1) Request a hearing.

17 (2) Object to the accusation upon the ground that it does not state acts or
18 omissions upon which the agency may proceed.

19 (3) Object to the form of the accusation on the ground that it is so indefinite
20 or uncertain that the respondent cannot identify the transaction or prepare a
21 defense.

22 (4) Admit the accusation in whole or in part.

23 (5) Present new matter by way of defense.

24 (6) Object to the accusation upon the ground that, under the circumstances,
25 compliance with the requirements of a regulation would result in a material
26 violation of another regulation enacted by another department affecting
27 substantive rights.

28 (b) Within the time specified respondent may file one or more notices of
defense upon any or all of these grounds but all of these notices shall be filed
within that period unless the agency in its discretion authorizes the filing of a
later notice.

(c) The respondent shall be entitled to a hearing on the merits if the
respondent files a notice of defense, and the notice shall be deemed a specific
denial of all parts of the accusation not expressly admitted. Failure to file a
notice of defense shall constitute a waiver of respondent's right to a hearing,
but the agency in its discretion may nevertheless grant a hearing.

Unless objection is taken as provided in paragraph (3) of subdivision (a), all
objections to the form of the accusation shall be deemed waived.

(d) The notice of defense shall be in writing signed by or on behalf of the
respondent and shall state the respondent's mailing address. It need not be

verified or follow any particular form.

(e) As used in this section, "file," "files," "filed," or "filing" means "delivered or mailed" to the agency as provided in Section 11505.

7. Respondent failed to file a Notice of Defense within fifteen (15) days after service of the Accusation, and therefore the Respondent has waived his right to a hearing on the merits of Accusation No. 4003.

8. California Government Code section 11520 states:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent; and where the burden of proof is on the respondent to establish that the respondent is entitled to the agency action sought, the agency may act without taking evidence.

(b) Notwithstanding the default of the respondent, the agency or the administrative law judge, before a proposed decision is issued, has discretion to grant a hearing on reasonable notice to the parties. If the agency and administrative law judge make conflicting orders under this subdivision, the agency's order takes precedence. The administrative law judge may order the respondent, or the respondent's attorney or other authorized representative, or both, to pay reasonable expenses, including attorney's fees, incurred by another party as a result of the respondent's failure to appear at the hearing.

(c) Within seven days after service on the respondent of a decision based on the respondent's default, the respondent may serve a written motion requesting that the decision be vacated and stating the grounds relied on. The agency in its discretion may vacate the decision and grant a hearing on a showing of good cause. As used in this subdivision, good cause includes, but is not limited to, any of the following: (1) Failure of the person to receive notice served pursuant to Section 11505. (2) Mistake, inadvertence, surprise, or excusable neglect.

9. Pursuant to its authority under Government Code section 11520, the Board of Pharmacy, Department of Consumer Affairs, finds Respondent is in default. The Board of Pharmacy takes action without further hearing and based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet, and by taking official notice of all the investigatory reports, exhibits and statements contained therein.

10. Pursuant to its authority under Government Code section 11520, the Board of Pharmacy, Department of Consumer Affairs finds the charges and allegations in Accusation No. 4003, are separately and severally true and correct by clear and convincing evidence.

11. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$1,590, as of August 23, 2011.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Laron Willie Mason has
3 subjected his Pharmacy Technician Registration No. TCH 69731 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
6 Registration No. TCH 69731 based upon the violations alleged in Accusation 4003, which are
7 supported by the evidence contained in the Default Decision Investigatory Evidence Packet for
8 this case.

9 1. Violation of Business and Professions Code sections 4202, subdivision (d), 4300, and
10 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770,
11 for unprofessional conduct in that Respondent was convicted of crimes substantially related to the
12 qualifications, functions, and duties of a Pharmacy Technician. On or about September 18, 2007,
13 Respondent was convicted, upon a plea of *nolo contendere*, of violating Penal Code section 647,
14 subdivision (h) (loitering), a misdemeanor, in the criminal proceeding entitled *The People of the*
15 *State of California v. Laron Willie Mason* (Super. Ct. Los Angeles County, 2007, No.
16 7AV07474). On or about February 19, 2008, Respondent was convicted, upon a plea of *nolo*
17 *contendere*, of violating Vehicle Code sections 23152, subdivision (a) (driving under the
18 influence of drugs or alcohol), and 23222, subdivision (b) (possession of marijuana while
19 driving), 14601.1, subdivision (a) (driving with a suspended license), both misdemeanor offenses,
20 in the criminal proceeding entitled *The People of the State of California v. Laron Willie Mason*
21 (Super. Ct. Los Angeles County, 2008, No. 7AV10828). On or about June 16, 2009, Respondent,
22 was convicted, upon a plea of *nolo contendere*, of violating Penal Code section 273.5 (corporal
23 spousal injury), a felony, in the criminal case entitled *The People of the State of California v.*
24 *Laron Willie Mason* (Super Ct. Los Angeles County, 2009, No. TA106794)

25 2. Violation of Business and Professions Code sections 4202, subdivisions (d), 4300,
26 and 4301, subdivision (h), for use of alcoholic beverages to the extent or in a manner as to be
27 dangerous or injurious to oneself or to the public.

28 3. Violation of Business and Professions Code sections 4202, subdivision (d), 4300, and

1 4301, subdivision (f), for committing an act involving moral turpitude.

2 4. Violation of Business and Professions Code sections 4202, subdivision (d), 4300,
3 subdivision (a), 4301, and 480, subdivision (a)(1), in that Respondent committed acts which
4 would warrant denial of licensure

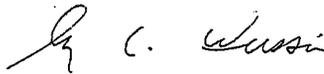
5 **ORDER**

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7 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 69731, heretofore
8 issued to Respondent Laron Willie Mason, is revoked.

9 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
10 written motion requesting that the Decision be vacated and stating the grounds relied on within
11 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
12 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

13 This Decision shall become effective on March 26, 2012.

14 It is so ORDERED February 23, 2012.

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16 STANLEY C. WEISSER, BOARD PRESIDENT
17 FOR THE BOARD OF PHARMACY
18 DEPARTMENT OF CONSUMER AFFAIRS

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12 **LARON WILLIE MASON**
1419 S. Willowbrook Ave., #B
13 Compton, CA 90220

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH
15 69731

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).

22 2. On or about August 24, 2006, the Board of Pharmacy issued Original Pharmacy
23 Technician Registration Number TCH 69731 to Laron Willie Mason (Respondent). The
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on June 30, 2012, unless renewed.

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1 States regulating controlled substances and dangerous drugs.”

2 “(l) The conviction of a crime substantially related to the qualifications, functions, and
3 duties of a licensee...[T]he record of conviction shall be conclusive evidence only of the fact that
4 the conviction occurred. The board may inquire into the circumstances surrounding the
5 commission of the crime, in order to fix the degree of discipline...A plea or verdict of guilty or a
6 conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
7 of this provision.

8 “(p) Actions or conduct that would have warranted denial of a license.”

9 **REGULATORY PROVISIONS**

10 8. California Code of Regulations, title 16, section 1770, states:

11 “For the purpose of denial, suspension, or revocation of a personal or facility license
12 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
13 crime or act shall be considered substantially related to the qualifications, functions or duties of a
14 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
15 licensee or registrant to perform the functions authorized by his license or registration in a manner
16 consistent with the public health, safety, or welfare.”

17 **COST RECOVERY**

18 9. Section 125.3 states, in pertinent part, that the Board may request the administrative
19 law judge to direct a licentiate found to have committed a violation or violations of the licensing
20 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
21 case.

22 **FIRST CAUSE FOR DISCIPLINE**

23 (Conviction of Substantially Related Crime)

24 10. Respondent is subject to disciplinary action under sections 4202, subdivision (d),
25 4300, and 4301, subdivision (l), for unprofessional conduct in that Respondent was convicted of
26 crimes substantially related to the qualifications, functions, and duties of a Registered Pharmacy
27 Technician. The circumstances of the convictions are set forth below:

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1 a. On or about September 18, 2007, Respondent, after pleading nolo contendere, was
2 convicted of violating Penal Code section 647, subdivision (h) (loitering), a misdemeanor, in the
3 criminal proceeding entitled *The People of the State of California v. Laron Willie Mason* (Super.
4 Ct. Los Angeles County, 2007, No. 7AV07474). The Court sentenced Respondent to ten days in
5 jail, placed him on three years probation, and ordered him to pay fines and restitution. The
6 circumstances of the conviction are that on or about June 17, 2007, Respondent entered the
7 backyard of a residence, knocked on the rear door of the house while yelling, then climbed over a
8 wall and ran down a street until apprehended. Respondent did not have permission to be on the
9 property.

10 b. On or about February 19, 2008, Respondent, after pleading nolo contendere, was
11 convicted of violating Vehicle Code sections 23152, subdivision (a) (driving under the influence
12 of drugs or alcohol), 23222, subdivision (b) (possession of marijuana while driving), 14601.1,
13 subdivision (a) (driving with a suspended license), misdemeanors, and Vehicle Code section
14 16028, subdivision (a) (driving without evidence of financial responsibility), an infraction, in the
15 criminal proceeding entitled *The People of the State of California v. Laron Willie Mason* (Super.
16 Ct. Los Angeles County, 2008, No. 7AV10828). The Court sentenced Respondent to eight days
17 in jail, placed him on three years probation, and ordered him to pay fines and restitution. The
18 circumstances of the conviction are that on or about September 15, 2007, Respondent was
19 detained by Los Angeles County Sheriff's Deputies for swerving across lanes, driving in an
20 opposing lane of traffic, and colliding with a curb. During the enforcement stop, Respondent was
21 observed to have a strong odor of alcohol and slurred speech. When asked to perform Field
22 Sobriety Tests, Respondent could not perform them successfully. He estimated 60 seconds to be
23 30 seconds in the Romberg Balance Test and raised his arms and stepped out with his foot to
24 maintain balance in the Walk and Turn Test. He admitted to the consumption of tequila before
25 driving, refused the Preliminary Alcohol Screening (P.A.S.) Test, and refused the breathalyzer
26 and blood tests. Respondent was arrested for driving under the influence of drugs or alcohol, and
27 driving on a suspended license. During the booking process, the Deputies discovered a quantity
28 of marijuana in Respondent's possession.

1 c. On or about June 15, 2009, Respondent, after pleading nolo contendere, was
2 convicted of violating Penal Code section 273.5 (corporal spousal injury), a misdemeanor
3 pursuant to Penal Code section 17, subdivision (b), in the criminal case entitled *The People of the*
4 *State of California v. Laron Willie Mason* (Super Ct. Los Angeles County, 2009, No. TA106794).
5 The Court sentenced Respondent to one year in jail, placed him on three years probation, and
6 ordered him to pay fines and restitution. The circumstances of the conviction are that on or about
7 May 17, 2009, Respondent inflicted corporal injury on a former cohabitant, resulting in a
8 traumatic condition.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Use of Alcohol to an Extent Dangerous to Self or Others)

11 11. Respondent is subject to disciplinary action under sections 4202, subdivision (d),
12 4300, and 4301, subdivision (h), for use of alcoholic beverages to the extent or in a manner as to
13 be dangerous or injurious to oneself or to the public, in that Respondent drove while under the
14 influence of alcohol, causing a single-vehicle collision. Respondent endangered the public and
15 himself by driving across lanes, driving in an opposing lane of traffic, and colliding with a curb.
16 Complainant refers to and by this reference incorporates the allegations set forth above in
17 paragraph 10, subparagraphs (a)–(c), inclusive, as though set forth fully.

18 **THIRD CAUSE FOR DISCIPLINE**

19 (Commission of an Act Involving Moral Turpitude)

20 12. Respondent is subject to disciplinary action under sections 4202, subdivision (d),
21 4300, and 4301, subdivision (f), for committing an act involving moral turpitude, in that
22 Respondent inflicted corporal injury on a former cohabitant, causing a traumatic condition.
23 Respondent's act reflects moral depravity and wickedness. Complainant refers to and by this
24 reference incorporates the allegations set forth above in paragraph 10, subparagraphs (a)–(c), as
25 though set forth fully.

26 **FOURTH CAUSE FOR DISCIPLINE**

27 (Commission of Acts Warranting Denial)

28 13. Respondent is subject to disciplinary action under sections 4202, subdivision (d),

1 4300, subdivision (a), 4301, and 480, subdivision (a)(1), in that Respondent committed an act
2 which would warrant denial of licensure. Respondent was convicted a crime substantially related
3 to the qualifications, functions, and duties of a Registered Pharmacy Technician. Complainant
4 refers to and by this reference incorporates the allegations set forth above in paragraph 10,
5 subparagraphs (a)-(c).

6 OTHER MATTERS

7 (Arrest for Possession of a Controlled Substance)

8 14. Respondent was arrested and charged with one misdemeanor count of violating
9 Health and Safety Code section 11350, subdivision (a) (possession of a controlled substance), in
10 the criminal proceeding entitled *The People of the State of California v. Laron Mason*, now
11 pending before the Superior Court of the County of Los Angeles (Super. Ct. Los Angeles County,
12 pending, No. 0CA13876). The circumstances of the arrest are that on or about June 30, 2010,
13 Respondent was observed driving a vehicle allegedly in violation of Vehicle Code sections 5200,
14 subdivision (a) (improper plate display), and 24603, subdivision (b) (malfunctioning or
15 improperly mounted stop lamps). During the enforcement stop, Los Angeles Police Department
16 Officer Kraft noticed an open container of what he believed to be alcohol. Officer Kraft asked for
17 identification from Respondent and Respondent's passenger. Using the identification provided,
18 Officer Kraft performed a warrant search, which confirmed that Respondent had an outstanding
19 warrant for his arrest. Officer Kraft arrested Respondent and searched him. During the search,
20 Officer Kraft allegedly retrieved five tablets of ecstasy from Respondent's pocket.

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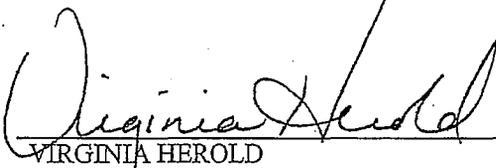
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1.1. Revoking or suspending Pharmacy Technician Registration Number TCH 69731, issued to Laron Willie Mason;

1.2. Ordering Laron Willie Mason to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

1.3. Taking such other and further action as deemed necessary and proper.

DATED: 6/2/11 

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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